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16 Attorneys for Defendants
17 LIFE INSURANCE COMPANY OF NORTH AMERICA
18 and TRAMMELL CROW AND ASSOCIATED
19 COMPANIES WELFARE BENEFITS PLAN

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA

22 SAN JOSE DIVISION

E-FILED - 6/29/05

23 DIANE L. MALLOY,) CASE NO. CV 04-05419 RMW
24 Plaintiff,)
25 vs.)
26 LIFE INSURANCE COMPANY OF) STIPULATION AND [PROPOSED]
27 NORTH AMERICA; TRAMMELL CROW) ORDER TO CONTINUE BRIEFING
28 AND ASSOCIATED COMPANIES) SCHEDULE AND HEARING
29 WELFARE BENEFITS PLAN,) REGARDING STANDARD OF REVIEW
30 Defendants.)

31 On June 10, 2005, the Court entered a Case Management Statement Order, which ordered
32 the parties to submit briefs to the Court to determine: (1) the applicable standard of review that
33 applies to Defendants' decision regarding Plaintiff's entitlement to long-term disability benefits;

1 and (2) whether discovery outside the administrative record is permissible. The Court assigned
2 the following briefing schedule and hearing date:

3 Plaintiff's Opening Brief: June 24, 2005

4 Defendants' Opposition: July 8, 2005

5 Plaintiff's Reply: July 15, 2005

6 Hearing: August 5, 2005 at 9:00 a.m. in Courtroom 6

7 A copy of the Court's June 10, 2005 Case Management Order is attached hereto as
8 Exhibit A.

9 Subsequently, the parties agreed and hereby stipulate to mediate this dispute in private
10 mediation in August 2005. In view of the parties agreement to mediate in August 2005, the
11 parties respectfully request this Court to continue both the briefing schedule and hearing
12 regarding the applicable standard of review for sixty (60) days.

13 Good cause exists for the parties' request for a continuance of both the briefing schedule
14 and hearing regarding the standard of review because the August 2005 mediation will enable the
15 parties to seek to informally resolve this litigation before they incur further litigation expenses,
16 including the amounts associated with motion practice respecting the standard of review. No

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1 trial date for this matter has been set, so this requested continuance would not adversely affect
2 the schedule for this case.

3
4 Dated: June 22, 2005

LAW OFFICES OF BRIAN E. HAWES

5 By:
6 
Brian E. Hawes

7 Attorney for Plaintiff
8 DIANE MALLOY

9 Dated: June 22, 2005

SEYFARTH SHAW LLP

10
11 By: 
Carolyn A. Knox
Cassandra H. Carroll

12
13 Attorneys for Defendants
14 LIFE INSURANCE COMPANY OF
15 NORTH AMERICA and TRAMMELL
16 CROW AND ASSOCIATED COMPANIES
17 WELFARE BENEFITS PLAN

IS SO ORDERED:

18 Dated: 6/29/05 /S/ RONALD M. WHYTE
19
Ronald M. Whyte
United States District Judge

SFI 28213002.1 / 25399-000105 The briefing schedule and hearing date is reset: (jg)

20 Plaintiff's Opening Brief: August 26, 2005
21 Defendants' Opposition: September 9, 2005
22 Plaintiff's Reply: September 16, 2005
23 Hearing: October 14, 2005 @ 9:00 am
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27
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EXHIBIT A

Case 5:04-cv-05419-RMW Document 38 Filed 06/16/2005 Page 1 of 2

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and TRAMMELL CROW AND ASSOCIATED
COMPANIES WELFARE BENEFITS PLAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION *E-FII ED - 6/16/05*

13 DIANE L. MALLOY,) CASE NO. CV 04-05419 RMW
17)
18 Plaintiff,)) [PROPOSED] CASE MANAGEMENT
19 vs.) STATEMENT ORDER
20)
21 LIFE INSURANCE COMPANY OF)
22 NORTH AMERICA; TRAMMELL CROW)
23 AND ASSOCIATED COMPANIES)
WELFARE BENEFITS PLAN,)
Defendants.)

25 Counsel for the parties in the above-entitled action appeared on May 20, 2005 for a Case
26 Management Conference, pursuant to Civil LR 16 and FRCP 16.

As a result of the case management conference, it was determined that:

[REDACTED] Proposed Case Management Conference Order: Case No. CV 04-05419 RMW

Case 5:04-cv-05419-RMW Document 38 Filed 06/16/2005 Page 2 of 2

STANDARD OF REVIEW/DISCOVERY

The parties shall submit briefs to the Court to determine:(1) the standard of review that applies to Defendants' decision regarding Plaintiff's entitlement to long-term disability benefits; and (2) whether discovery outside of the administrative record is permissible. The parties' briefs shall be filed in accordance with the following briefing schedule:

Plaintiff's Opening Brief: June 24, 2005

Defendants' Opposition: July 8, 2005

Plaintiff's Reply: July 15, 2005 9:00

Hearing: August 5, 2005 at 10:30 a.m. in Courtroom 6

(jg)

SUBSEQUENT CASE MANAGEMENT CONFERENCE

Pursuant to Civil LR 16-10(c) and FRCP 16, the Court will conduct a Subsequent Case Management Conference for the above-entitled action on August 5, 2005 at 10:30 a.m. in Courtroom 6.

IT IS SO ORDERED:

Dated: 6/10/05

/S/ RONALD M. WHYTE

Ronald M. Whyte
United States District Judge

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